

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF AUGUST 6, 2004

(Published August 14, 2004, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
August 6, 2004 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lilligren, Johnson Lee, Niziolek, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, President Ostrow.

Lilligren moved acceptance of the minutes of the regular meeting held July 23, 2004. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269783)

Newgate Education and Research Center: Approval to issue up to \$1,500,000 in tax-exempt 501c (3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds.

Lind-Bohanon Grant Extension: Extend Neighborhood Initiatives Program grant period.

Multi-Family Housing Projects: Approve restructuring of debt and repayment terms for Homewood Apartments, Chicago Av Apartments, City Flats, Little Earth of United Tribes and the Boulevard Project.

Emergency Shelter Grant Program: Approve 2004 and 2003 funds for Project Foundation's Home Away Center North.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269784)

Transit Oriented Development Grants: Authorize contracts with Hennepin County for grants to St. Anthony Mills Apartments, Cedar Riverside LRT Station Improvement Project, Agape Housing Development, Lindquist Apartments, Midtown Exchange, Franklin-Portland Gateway, Karamu West, Nicollet Commons Condominiums and Lowell School Site.

GRANTS AND SPECIAL PROJECTS (269785)

Metropolitan Council Grants: Extend grant period for grants to Urban Village, Penn-Lowry, Many Rivers, and Karamu East.

HEALTH AND HUMAN SERVICES:

CIVIL RIGHTS (269786)

Small and Underutilized Business Program: Request to continue Chapter 423 for period of up to 18 months.

HEALTH AND HUMAN SERVICES (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269787)

H1B Program: Execute Modification #2 to Grant Agreement with Hennepin County reducing the total award and extending the performance period to allow students that received tuition assistance as Health Care employees of HCMC to complete their course work and assume upgraded positions prior to the end of the grant.

HEALTH AND FAMILY SUPPORT SERVICES (269788)

Health & Family Support Business Plan: Approve Plan; and Request Mayor to include in proposed 2005 budget General Funds to eliminate the \$84,525 funding deficit for the Department, and the Chairperson to write a letter to the Mayor dealing with the long-term funding deficit for the Department.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

INSPECTIONS DEPARTMENT (269789)

Food Safety Activities: Execute agreement with Minneapolis Public Schools for City to provide food inspection, training, sampling and other food protection activities; and Approve appropriation to Regulatory Services.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (269790)

Lake Plaza Restaurant (417 E Lake St): Grant On-Sale Wine Class B with Strong Beer License, subject to conditions.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

ATTORNEY (269791)

Hennepin County Jail Booking Fees: Authorize give notice to Hennepin County of City's intention to rescind 1968 Resolution related to City-County consolidation of jail facilities; and enter into new agreement by December 31, 2004; and Direct City staff to meet and review booking fee, fingerprinting, jailing and other related issues and report back in September 2004.

INSPECTIONS DEPARTMENT (269792)

Rental Dwelling License Fees: Ordinance amending Title 12, Chapter 244 of Code relating to Housing: Rental Dwelling License Fees, increasing the fee for the first dwelling unit from \$33 to \$36.

POLICE DEPARTMENT (269793)

Hennepin County/Minneapolis Drug Task Force: Accept additional \$129,400 and execute grant agreement with Minnesota Department of Public Safety to provide funding for overtime, training and equipment for second half of calendar year 2004; Execute sub-recipient contract amendment to share funding with Hennepin County Sheriff and Hennepin County Attorney's Office; and Approve appropriation.

REGULATORY SERVICES (269794)

Special Assessment Abatement at 113 E 26th St (Corson's Corners): Request to abate \$121,000 assessment.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (269795)

2004 Draft Minneapolis Street Lighting Policy.

Petition of Hazem Obeid objecting to issuance of Block Event Permit to Mpls Urban League on 8/7/04 on Plymouth Av N between Penn and Knox Aves.

Lake Street Layout: Proposed layouts A through D, resolution supporting variance requests for travel lane widths of 10.83 ft and curbside reaction zone width of 1.5 ft.

Lake Street Layout: Comments.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (269796)

2004 Alley Resurfacing Program, No FS04#1 Public Hearing: Resolutions: a) Ordering work to proceed; and b) Requesting Board of Estimate and Taxation to issue and sell assessment bonds.

RiverLake Greenway, Phase 2 (40th St from Lake Harriet Pkwy to Lyndale Av S): Resolutions approving construction layouts and ordering work to proceed.

MnDOT Agreement No. 86814: Resolution executing agreement with MnDOT allowing City to use existing Federal and State Aid Funds for traffic signal controller installations.

Special Assessment Deferment Application (senior citizen): Resolution approving deferral request for water line repair at 716 University Ave NE.

Stone Arch Partners: Amendment to agreement regarding assessments for street improvements.

Bid: Resolution accepting low responsive bid of Rybak Excavating & Contracting, Inc to furnish clean fill excavation.

PUBLIC WORKS AND ENGINEERING (269796.1)

Sealcoat Emulsion Contract: Increase contract C-19274 with Koch Materials Co for additional sealcoating work.

Fridley Water Works Facility: Amendment No 1 to contract with Thor Construction extending contract through 12/31/2004 and accepting change orders increasing contract value.

Public Works Consulting Pool: Issue RFP to solicit proposals from engineering consulting firms.

LaSalle Av S Street Reconstruction Project: Resolution reallocating \$325,413 of remaining MSA funds in Central Ave NE reconstruction project to LaSalle project.

Garfield Av: Install speed humps between 33rd & 34th St W.

WAYS AND MEANS BUDGET:

COORDINATOR (269797)

New Central Library Project: Change Management Actions

FINANCE DEPARTMENT (269801)

Travel Expense Report: 2nd Quarter 2004.

Staff Purchasing Letters.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (269798)

Legal Settlements: Recommend settlement of the claims of the City's landlord claim against COLO.com (former Sears site), Michael Love, Vladimir Skyy Verhovskoy, Eric Mann, Hassan Al-Mosawy, Western National Mutual Insurance Co., Erika Ketchons, Johanna Miller, and Bill Radosevich.

Master Legal Services Agreement: Increase to agreement with Kennedy & Graven.

Emergency Assistance for Crime Victims: Accept grant from the Minnesota Department of Public Safety, Office of Justice Programs.

BUSINESS INFORMATION SERVICES (269799)

Telecommunications Infrastructure and Facilities Upgrade Project: Authorize planning and implementation of an upgrade project, funding plans, issuance of bonds, release of request for proposals for upgrades and renovation, rate model and facility renovations.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (269800)

Historic Preservation Grant: Accept Certified Local Government Grant from the State Historic Preservation Office for City historic survey project.

LIBRARY, MINNEAPOLIS PUBLIC (269802)

Capital Funding for Franklin Community Library Project: Concur with Library Board action appropriating capital bond funding.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (269803)

Appeal:

Sherman Associates (re River Run Apartments, 1424-28 & 1448 Marshall St NE): Letter of withdrawal for applications associated with development of a three & four-story, 101-unit residential building.

Mpls Institute of Arts Surface Parking Lot (NE corner of E 24th St & 3rd Ave S): Status of future plans for site.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (269804)

Waiver:

Michael Alada (1606-27th Ave N): Re Northside Mpls new construction moratorium.

Rezoning:

Matthew Knopp (3150 Harriet Ave S);

Bear Creek Capital (2500 University Ave SE);

Marcos Bekuto (2401, 2403 & 2405 Central Ave NE).

Zoning Code Text Amendment:

Financial Institution Drive-Through Facilities: Ordinance amending Title 20, Chapter 551 to allow replacement of existing drive-through facilities for financial institutions in the Pedestrian Oriented Overlay District for the Central & Lowry area.

PLANNING COMMISSION:

HOPE COMMUNITY INC (269805)

Permission to vacate utility & drainage easements along 22nd St E between Oakland & Portland Avs.

FILED:

CITY CLERK/SPECIAL PERMITS (269806)

Cedar Av S, 925 (Let's Get Graphic) sign;

Columbus Av S, 2701 (Lutheran Social Services of MN) ponies & petting zoo;

Hoover St NE, 460 (Let's Get Graphic) sign;

Portland Av S, 2545 (Ebenezer Hall) petting zoo;

Washington Av N, 921 (Universal Sign) sign;

Washington Av N, 1251 (Lawrence Sign) sign.

METROPOLITAN AIRPORTS COMMISSION (MAC) (269807)

Draft Part 150 Update for the Minneapolis-St Paul International Airport (MSP). Reference material for public review (paper and CD disk format) - Volume I (Part 150 update document - appendices A through L); Volume II (Appendix M - Public Involvement - Parts I through V); Volume III - Appendix N - Forecast and Noise Exposure; and Map Update Public Involvement (Parts I through IV). NOTE: Oversized document - 6 folders.

ROBINS, KAPLAN, MILLER & CIRESI LLP (269808)

Proposed Tariff of Time Warner Cable Information Services (Minnesota), LLC and copy of revised page 23.

JOHN GRUB, HENNEPIN COUNTY DEPT OF TRANSPORTATION (269810)

Lake Street Layout: "Concept A&D Overlay; Cedar Avenue", dated 8/16/04. (See T&PW Report).

FILED (See Rep):

FINANCE DEPARTMENT (269809)

2004 Workers' Compensation Expenses - 1st & 2nd Quarters.

The following reports were signed by Mayor Rybak on August 12, 2004, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration a proposal by Newgate Education and Research Center to construct an addition to their facility at 2900 E Hennepin Av and a request for the issuance of revenue bonds for said project, now recommends passage of the accompanying resolution giving preliminary and final approval to the issuance of up to \$1,500,000 in Tax-exempt 501 (c) (3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds, Series 2004.

Your Committee further recommends that this action be transmitted to the Minneapolis Community Development Agency Board of Commissioners.

Adopted 8/6/04.

Resolution 2004R-329 giving preliminary and final approval to the issuance of up to \$1,500,000 in Tax-exempt 501 (c) (3) Bank Qualified Bank Direct Minneapolis Community Development Agency Revenue Bonds, Series 2004 for Newgate Education and Research Center, was passed 8/6//04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-329

By Goodman

Giving preliminary and final approval to and authorizing a project on behalf of Newgate Education and Research Center, Inc. (the "Company"), and authorizing the issuance of a revenue bond of the Minneapolis Community Development Agency therefor.

Whereas, pursuant to Laws of Minnesota 1980, Chapter 595, as amended ("Chapter 595"), the City Council of the City of Minneapolis, Minnesota (the "City") established the Minneapolis Community Development Agency (the "Agency") and granted certain powers and duties to the Agency; and

Whereas, pursuant to such granted powers, the Agency has been authorized to issue revenue obligations for various purposes; and

Whereas, it has been proposed that the Agency issue a revenue bond in an amount not to exceed \$1,500,000 (the "Bond") to refinance a building used as an auto body repair, detailing and mechanical repair training facility, and located at 2904 East Hennepin Avenue in the City (the "Project"); and

Whereas, the Project is and will be owned by the Company, which is a Minnesota nonprofit corporation; and

Whereas, the Agency expects to give final approval to the issuance of the Bond by a resolution to be adopted on the date hereof; and

Whereas, the Bond shall bear interest at an initial interest rate not to exceed five percent (5.00%) per annum, shall have a final maturity date not later than December 1, 2024, and shall have such other terms as required or permitted by the Agency's resolution, which terms are to be incorporated herein by reference;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby gives preliminary and final approval to the issuance by the Agency of the Bond in a principal amount not to exceed \$1,500,000 for the purpose of refinancing the Project.

That the Bond is hereby designated as a "Program Bond" and is determined to be within the "Economic Development Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 8/6/04.

Comm Dev - Your Committee, having under consideration the Lind-Bohanon neighborhood commercial corridor improvement project (in the area of Lyndale Av N. and 49th Av N) and a request to extend the time allowed for use of grant funds through the Neighborhood Initiatives Program (NIP), now recommends that the proper City officers be authorized to execute an amendment to the Lind-Bohanon NIP grant agreement extending the grant period through December 31, 2004.

Adopted 8/6/04.

Comm Dev - Your Committee, having under consideration projects that have received affordable housing gap funding from the Minneapolis Community Development Agency (MCDA) and a plan to restructure financing for certain projects where the debt is now due, now recommends passage of the accompanying resolution approving restructuring plans for the following loans: Homewood Apartments, Chicago Avenue Apartments, City Flats, Little Earth of United Tribes Housing Corporation and The Boulevard Apartments.

Adopted 8/6/04.

Resolution 2004R-330 approving debt restructuring on various multi-family housing projects, was passed 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-330

By Goodman

Approving debt restructuring plans for various multi-family housing projects.

Resolved by The City Council of The City of Minneapolis:

That the following restructuring plans are approved:

a) Homewood Apartments - Restructure two existing loans and accrued interest into one loan of \$1,255,284 and extend the term for thirty years at 1% simple interest. The restructure is required to allow new limited partnership to assume the existing debt.

b) Chicago Avenue Apartments - Extend the term of the existing debt (\$1,393,000) to 2022 and reduce the interest rate from 10% to 1% simple interest. The restructure will allow the project to comply with current underwriting standards.

c) City Flats: B Flats - Extend existing loan of \$374,050, 5% simple interest to thirty years at 1% simple interest retroactively from 1988 to 2004. In 2005, the interest rate will be adjusted to 0%;

Calypso Flats - Restructure existing loans of \$1,074,960 for thirty years and reduce the interest rate from 1% simple interest to 0%.

d) Little Earth of United Tribes Housing Corporation (LEUTHC) - Extend the existing loan of \$99,455 for 29 years and reduce the interest rate from 5% simple interest to 1% simple interest, to allow restructured debt to be comparable with other CPED debt on the project.

e) The Boulevard Apartments - Extend the term of the existing loan of \$497,975 to December 31, 2045 from 2034 (10 years) (HUD/FHA requires a longer term than the first mortgage and therefore have requested an extension).

Be It Further Resolved that the proper City officers be authorized to execute the appropriate documents to implement said restructuring.

Adopted 8/6/04.

Comm Dev - Your Committee recommends approval of up to \$100,000 of 2004 Emergency Shelter Grant (ESG) funds for Project Foundation's Home Away Center North property (on Oak Park Av) and approval of the use of \$130,500 of 2003 ESG funds approved by the City Council on December 29, 2003 for Project Foundation's North property (on Oak Park Av) only.

Adopted 8/6/04.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration Metropolitan Council grants for four projects that have been delayed beyond the original contract period and a request to extend the grant agreements, now recommends:

a) That the proper City officers be authorized to execute amendments to the following grant agreements extending the grant period to June 30, 2005:

- Urban Village (Tax Based Revitalization Account), in the amount of \$231,276;
- Penn-Lowry (Tax Based Revitalization Account Grant), in the amount of \$48,331;
- Many Rivers (Local Housing Incentives Account), in the amount of \$200,000;
- Karamu East (Met Council Livable Communities Demonstration Account), in the amount of \$46,395;

b) That the proper City officers be authorized to develop, execute and/or amend appropriate legal agreements to implement projects with the selected vendors according to specified terms and respective funding requirements, with the agreements terminating, as specified, June 30, 2005;

c) Passage of the accompanying resolution increasing the Community Planning and Economic Development Agency by \$526,002 to reflect the extension of the grants.

Adopted 8/6/04.

RESOLUTION 2004R-331
By Goodman and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Grants Fund (SMN0-890-8031) by \$526,002 and increasing the revenue source (SMN0-890-8031 - Source 3215) by \$526,002.

Adopted 8/6/04.

Comm Dev & W&M/Budget - Your Committee, having been informed that Hennepin County has awarded Transit Oriented Development (TOD) Grant Funds to ten projects in Minneapolis totaling \$1,300,000, now recommends passage of the accompanying resolutions:

a) Approving staff execution of contract documents for the TOD grants from the Hennepin County Housing and Redevelopment Authority (HCHRA) for the following City of Minneapolis projects:

- St. Anthony Mills Apartments;
 - Cedar Riverside Light Rail Transit (LRT) Station Improvement Project;
- and authorizing Hennepin County through the HCHRA to act within the City and provide Transit Oriented Development Grant Funds to the following privately developed projects:

- Agape Housing Development;
- Lindquist Apartments;
- Midtown Exchange,
- Franklin-Portland Gateway;
- Karamu West;
- Nicollet Commons Condominiums;
- Lowell School Site.

b) Increasing the Community Planning and Economic Development Agency by \$330,000 for the grant funds for the City projects.

Your Committee further recommends that Hennepin County, through the HCHRA, is not authorized to act within the City and provide TOD grant funds to the Hi-Lake Shopping Center project (Wellington Management).

Adopted 8/6/04.

Resolution 2004R-332 requesting that the Hennepin County provide Transit Oriented Development grant funds to St. Anthony Mills Apartments, Cedar Riverside LRT Station Improvement Project, Agape Development Site, Lindquist Apartments, Midtown Exchange, Franklin-Portland Gateway, Karamu West, Nicollet Commons Condominiums, and Lowell School Site, was passed 8/6//04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-332
By Goodman and Johnson

Requesting that the Hennepin County Housing and Redevelopment Authority provide financial assistance to St. Anthony Mills Apartments, Cedar Riverside LRT Station Improvement Project, Agape Development Site, Lindquist Apartments, Midtown Exchange, Franklin-Portland Gateway, Karamu West, Nicollet Commons Condominiums, and Lowell School Site, under the Minnesota Housing and Redevelopment Authorities Act.

Whereas, representatives of the Hennepin County Housing and Redevelopment Authority (the "County HRA") have advised the City of Minneapolis, Department of Community Planning and Economic Development ("CPED") that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$200,000, to the City of Minneapolis for security, lighting and site improvements at Brighton Development Corporation's St. Anthony Mills Apartment Complex on the corner of Chicago Avenue and Second Street South, Minneapolis, Minnesota (the "St. Anthony Mills Project"); and

Whereas, representatives of the County HRA have advised the City of Minneapolis CPED that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$130,000, to the City of Minneapolis for pedestrian security lighting in the public right-of-way adjacent to the Cedar Riverside LRT Station, Minneapolis, Minnesota (the "CR LRT Project"); and

Whereas, representatives of the County HRA have advised the City of Minneapolis CPED that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$100,000, to Agape Development Partners, LLC (the "Agape") for property acquisition and site preparation of a housing project located at 3012/3014 Emerson Avenue North, Minneapolis, Minnesota (the "Agape Project"); and

Whereas, representatives of the County HRA have advised the City of Minneapolis CPED that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$50,000, to RS Eden (the "RS Eden") for new building construction at Lindquist Apartments at 1927/1935 West Broadway, Minneapolis, Minnesota (the "Lindquist Project"); and

Whereas, representatives of the County HRA have advised the City of Minneapolis CPED that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$300,000, to Sherman Associates (the "Sherman") at the Midtown Exchange for pedestrian security at 2929 Chicago Avenue South, Minneapolis, Minnesota (the "Midtown Project"); and

Whereas, representatives of the County HRA have advised the City of Minneapolis CPED that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$200,000,

to Hope Community and Central Community Housing Trust (the "HC/CCHT") for acquisition and demolition of substandard buildings at the corner of Franklin and Portland Avenue, Minneapolis, Minnesota (the "Gateway Project"); and

Whereas, representatives of the County HRA have advised the City of Minneapolis CPED that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$120,000, to Northside Residents Redevelopment Council (the "NRRC") for improved pedestrian lighting and security at Karamu West at 2201-2215 Plymouth and 1245 Penn Avenue North, Minneapolis, Minnesota (the "Karamu West Project"); and

Whereas, representatives of the County HRA have advised the City of Minneapolis CPED that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$50,000, to Lyndale Neighborhood Development Corporation (the "LNDC") for site improvements at the Nicollet Commons Condominiums at 3310/3314 Nicollet Avenue, Minneapolis, Minnesota (the "Nicollet Commons Project"); and

Whereas, representatives of the County HRA have advised the City of Minneapolis CPED that the County HRA proposes to provide financial assistance from Hennepin County's 2004 Capital Bond Allocation for Transit-Oriented Development Projects in Hennepin County in an amount up to \$100,000, to Project for Pride In Living, Inc. (the "PPL") to construct 14 owner-occupied, single-family homes on the Lowell School Site (Phase 2) at 1900 Willow Avenue North, Minneapolis, Minnesota (the "Lowell School Site Project"); and

Whereas, the City of Minneapolis, Agape, Wellington, RS Eden, Sherman, HC/CCHT, NRCC, LNDC and PPL are collectively referred to as the "City and the Borrowers;" and

Whereas, the St. Anthony Mills Project, CR LRT Project, the Agape Project, the Lindquist Project, the Midtown Project, the Gateway Project, the Karamu West Project, the Nicollet Commons Project and the Lowell School Site Project are collectively referred to as the "Projects;" and

Whereas, pursuant to Minnesota Statutes, Section 383B.77, Subd 2, the County HRA cannot exercise its powers within the boundaries of the City of Minneapolis (the "City") unless CPED requests the County HRA to exercise specific powers within the City; and

Whereas, pursuant to Minnesota Statutes, Section 469.005 the City Council must declare there is a need for the County HRA to exercise its powers within the City, specifically through the provision of financial assistance to the City and the Borrowers for the Projects;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That, as required by Minnesota Statutes, Section 383B.77, subd. 2, and pursuant to Minnesota Statutes, section 469.005, the City Council hereby declares there is a need for the County HRA to exercise certain powers within the City and hereby approves the County HRA exercising its powers in the City for the limited purpose of providing financial support to the City and the Borrowers, which have requested, or may hereafter request, financial assistance in the combined amount up to \$1,250,000 from the County HRA for the Projects.

Be It Further Resolved that nothing in this resolution shall create a pecuniary obligation of the City Council to assist the City and the Borrowers nor shall the City be in any way responsible for any financing obligation or agreement of the County HRA with respect to its provision of financial assistance to the Projects.

Be It Further Resolved that the request made hereunder extends only to the powers of the County HRA with respect to the financial assistance the County HRA proposes to provide to the City and the Borrowers for the Projects and the City shall retain all other powers and jurisdiction over matters relating to the City and the Borrowers and the Projects.

Be It Further Resolved that nothing in this resolution is intended to endorse the merits of the Projects to be undertaken by the City and the Borrowers in the City, and neither the City Council nor CPED make any representation as to whether the City and the Borrowers have the ability to repay any financing obligations incurred under the Projects.

Be It Further Resolved that the City Council accepts the financial assistance proposed to be provided by the County HRA with respect to the St. Anthony Mills Project and the CR LRT Project (together, the "City Projects.")

Be It Further Resolved that appropriate staff of the City are to execute and deliver to the County HRA the contract documents relating the City Projects.

Adopted 8/6/04.

RESOLUTION 2004R-333
By Goodman and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Grants Fund (SMN0-890-8490) by \$330,000 and increasing the revenue source (SMN0-890-8490 - Source 3215) by \$330,000.

Adopted 8/6/04.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee, having under consideration the H1B Program, now recommends that the proper City Officers be authorized to execute Modification #2 to Grant Agreement #A020400 with Hennepin County to reduce the total amount by \$65,100 for a new grant amount of \$225,900, and extend the performance period to March 31, 2005, to reflect the overall budget for the H1B Program which provides tuition assistance to selected Health Care employees of Hennepin County Medical Center (HCMC) and the Fremont Clinic, and to allow students who complete their course of study by December 2004 to assume their upgraded positions prior to the end of the grant.

Adopted 8/6/04.

H&HS - Your Committee recommends approval of the Five Year Business Plan for the Department of Health & Family Support, as set forth in Petn No 269788 on file in the Office of the City Clerk. Further, that the Mayor be requested to include in his proposed 2005 budget General Funds to eliminate the \$84,525 funding deficit for the Department, and that the Committee Chair write a letter to the Mayor, on behalf of the Committee, seeking to come to a fundamental agreement on how to deal with the long-term funding deficit for the Department.

Adopted 8/6/04. Yeas, 11; Nays, 2 as follows:

Yeas - Lilligren, Johnson Lee, Niziolek, Benson, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Goodman, Lane.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following report:

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to negotiate and execute an agreement with the Minneapolis Public Schools Food Services Department for the City to provide food inspection, laboratory sampling, blueprint and construction plan review, food-borne illness investigations, and food safety training for school district staff during the period September 1, 2004 through May 31, 2007; the contract fee for the year 2004-2005 shall be \$34,627 which may be adjusted annually thereafter at the rate of up to 3% per year. Further, passage of the accompanying Resolution appropriating \$127 to Regulatory Services.

Adopted 8/6/04.

RESOLUTION 2004R-334
By Johnson Lee and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the General Fund (010-835-8391) by \$127.

Adopted 8/6/04.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, having under consideration the application of 1st Avenue Entertainment Group Inc, dba Shout House, 600 Hennepin Av #100, for an On-Sale Liquor Class C-2 with Sunday Sales License (new business) to expire October 1, 2004, and having held a public hearing thereon, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/6/04. Yeas, 11; Nays, 1 as follows:

Yeas - Lilligren, Johnson Lee, Niziolek, Goodman, Lane, Samuels, Johnson, Colvin Roy, Schiff, Zerby, Ostrow.

Nays - Zimmermann.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of T & R Coffee Inc, dba Dunn Brothers Coffee, 925 Nicollet Mall, for an On-Sale Wine Class C-2 with Strong Beer License (new business) to expire April 1, 2005, and having held a public hearing thereon, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/6/04.

Declining to Vote - Benson.

Approved by Mayor Rybak 8/6/04.

(Published 8/10/04)

PS&RS - Your Committee, having under consideration the application of Watermark Restaurants LLC, dba Mission American Kitchen & Bar, 80 S 8th St, for a Sidewalk Cafe License (new business) to expire April 1, 2005, and having held a public hearing thereon, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/6/04.

Declining to Vote - Benson.

PS&RS - Your Committee, having under consideration the application of G & A Partners LLC, dba Lake Plaza Restaurant, 417 E Lake St, for an On-Sale Wine Class B with Strong Beer License (new business) to expire April 1, 2005, now recommends that said license and the following conditions be sent forward without recommendation:

- a. noise from the business and vehicles or stereos will be kept to a minimum.
- b. the licensee will clean the property of litter and trash daily, including the area within 100 feet of the property lines.
- c. the licensee agrees to clean the sidewalks around the business.
- d. the licensee will provide an adequate dumpster with a closeable lid and have it emptied weekly.
- e. the licensee will comply with all Environmental Health orders, and all Fire Department requirements and orders.
- f. the licensee will pay all fees and fines by their due dates.

g. the business must operate as a restaurant meeting minimum meal service (four entrees) and minimum hours (Noon to evening) during all operations.

h. the licensee must submit account statements on a monthly basis that show food to liquor ratio for a minimum period of six months. If the ratio is in compliance with license requirements during those six months, the licensee may request that submission of the account statements be on a yearly basis.

i. at no time may the restaurant operate with more than 40 percent of its customers drinking without a food purchase.

j. final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/6/04.

Declining to Vote - Benson.

Approved by Mayor Rybak 8/6/04.

(Published 8/10/04)

PS&RS - Your Committee, having under consideration the following license applications, now recommends that they be sent forward without recommendation:

a. Raising the Bar LLC, dba Zeno Coffee & Dessert Bar, 2919 Hennepin Av, for an On-Sale Liquor Class C-1 with Sunday Sales License (temporary expansion of premises, August 6 through 8, 2004, 8:00 a.m. to 10:00 p.m. at Uptown Art Fair) to expire August 8, 2004;

b. Historic Theatre Group Ltd, dba Hennepin Stages, 824 Hennepin Av, for an On-Sale Liquor Class C-2 with Sunday Sales License (change in ownership from Hey City Theater Company) to expire January 1, 2005;

c. Yummy Inc, dba Yummy Inc, 10 W 25th St, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2005;

d. Patrick's French Bakery Inc, dba Patrick's Bakery & Cafe, 6010 Lyndale Av S, for an On-Sale Wine Class E License (new business) to expire April 1, 2005.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/6/04.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Ostrow moved to amend the Resolution so as to consider separately that portion relating to the Off-Sale Beer License for Speedway Super America LLC, dba Super America #4378, 2445 Bloomington Av. Seconded.

Adopted upon a voice vote.

Zimmermann moved that the separated portion be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote.

The report, with amended Resolution, was adopted 8/6/04.

Declining to Vote - Benson.

Resolution 2004R-335, granting applications for Liquor, Wine and Beer Licenses, was passed 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-335

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted:

Off-Sale Liquor, to expire April 1, 2005

Liquor Depot Inc, dba Liquor Depot, 1010 Washington Av S;

Off-Sale Liquor, to expire July 1, 2005

KJM Enterprises Inc, dba Lowry Hill Liquors, 1922 Hennepin Av, 1st floor;

Michalaur, LLC, dba Hum's Liquor Store, 2126 Lyndale Av S;

Off-Sale Liquor, to expire October 1, 2004

Camden Liquors Inc, dba Camden Liquors, 4155 Lyndale Av N;

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2005

Kabanuk Diversified Investments, dba Tropix Beach Club, 400 3rd Av N;

Univ Inn Assoc a Ltd Partnership, dba Radisson Hotel Metrodome, 615 Washington Av SE;

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2005

Yendor Corp, dba Augie's Cabaret, 424 Hennepin Av (new manager);

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2005

Screaming Triangle LLC, dba Minneapolis Eagle, 515 Washington Av S;

Minnesota Historical Society, dba Mill City Museum, 704 S 2nd St;

Minneapolis Branch American Association of University Women, dba Minneapolis Branch American Association of University Women, 2115 Stevens Av;

On-Sale Liquor Class B with Sunday Sales, to expire July 24, 2004

Shaw's Bar & Grill Inc, dba Shaw's Bar & Grill, 1528 University Av NE (temporary expansion of premises, July 24, 2004, 10:00 a.m. to 9:00 p.m.);

On-Sale Liquor Class B with Sunday Sales, to expire April 1, 2005

Fourth Street Saloon Inc, dba 4th Street Saloon, 328 W Broadway (temporary expansion of premises, August 14 & 15, 2004, Noon to 9:00 p.m., Barbeque);

Islewest Associates, dba Nicollet Island Inn, 95 Merriam St;

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2004

Mike Spicer Foods Ltd, dba Spirell Bar, 119 N 4th St (change in owner from The Lounge);

On-Sale Liquor Class B with Sunday Sales, to expire July 1, 2005

Sam Ventures Inc, dba Imperial Room, 417 1st Av N #100;

One Eyed Dog Ltd, dba Triple Rock, 629 Cedar Av S;

Margarita Bella Inc, dba Margarita Bella, 1032 3rd Av NE;

Last Cowboy LLC, dba Bar Abilene, 1300 Lagoon Av;

On-Sale Liquor Class B with Sunday Sales, to expire August 1, 2004

Tay Mac Inc, Cabooze Inc, dba Whiskey Junction/Cabooze, 901 Cedar Av S (temporary expansion of premises, August 1, 2004, Noon to 10:00 p.m.);

On-Sale Liquor Class C-1 with Sunday Sales, to expire July 1, 2005

Kilimanjaro Cafe Inc, dba Kilimanjaro Cafe, 324 Cedar Av S;

Loring Pasta Bar LLC, dba Loring Pasta Bar, 325 14th Av SE;

On-Sale Liquor Class C-1 with Sunday Sales, to expire October 1, 2004

Viking Bar Inc, dba Viking Bar, 1829 Riverside Av;

On-Sale Liquor Class C-2 with Sunday Sales, to expire July 1, 2005

13th Avenue SE LLC, dba Bobby Z's, 418 13th Av SE;

On-Sale Liquor Class D with Sunday Sales, to expire April 1, 2005

Pacific Asian Restaurants Inc, dba Kikugawa, 43 Main St SE (new manager);

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2005

Lip to Lip Inc, dba Lip to Lip, 983 E Hennepin Av (new business);

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2005

Fransen Inc, dba Gluek Brewing Co, 16 N 6th St;

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2004

FCA Restaurant Holdings LLC, dba Minneapolis Lifetime Athletic Club & Cafe Dellavita, 615 2nd Av S (new manager & internal transfer of shares);

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2005

Cedar Point Inc, dba Palmer's Bar, 500 Cedar Av S (temporary expansion of premises with outdoor entertainment, August 7, 2004);

Buca Restaurants 2 Inc, dba Buca Di Beppo, 11 S 12th St;

Nick & Tony's of Minneapolis Inc, dba Nick & Tony's, 50 S 6th St;

Irv's Bar Inc, dba Irv's Bar, 201 W Broadway;

Stub & Herbs Inc, dba Stub & Herbs, 227 Oak St SE;

S I B Inc, dba 331 Club, 331 13th Av NE;

Cedar Point Inc, dba Palmer's Bar, 500 Cedar Av S;

Cuzzy's Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N;

Sterling Hospitality Corp, dba Staccato, 1125 Marquette Av;

Campiello LLC, dba Campiello, 1320 W Lake St;

On-Sale Liquor Class E with Sunday Sales, to expire July 31, 2004

Haze 2 Group, dba Grumpy's Northeast, 2200 4th St NE (temporary expansion of premises with outdoor entertainment, July 31, 2004, Noon to 9:00 p.m.);

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2004

PFC Systems Inc, dba Burrito Loco, 418 13th Av SE (change in ownership);

Temporary On-Sale Liquor

Minneapolis Downtown Council, dba Aquatennial Block Party, 81 S 9th St #260 (with entertainment, July 16, 2004, 5:00 p.m. to 10:30 p.m., Washington Av from Hennepin to 3rd Avs S);

Minnesota Transportation Museum, dba Minnesota Transportation Museum, 193 E Pennsylvania Av, St. Paul (July 23, 2004, 4:30 p.m. to 10:30 p.m. at Minneapolis Farmers Market Annex, 200 E Lyndale Av N; Licensed Facilitator: JJ's Dry Dock);

Minneapolis Downtown Council, dba Ribfest, July 28 & 29, 2004, 11:00 a.m. to 10:30 p.m.; July 30, 2004, 11:00 a.m. to 11:00 p.m.; and July 31, 2004, Noon to 11:00 p.m. on Ritz Block);

On-Sale Wine Class A with Strong Beer, to expire April 1, 2005

Theatre De La Jeune Lune, dba Theatre De La Jeune, 105 1st St N;

On-Sale Wine Class C-1 with Strong Beer, to expire April 1, 2005

New Molly Quinn's Inc, dba Molly Quinn's, 3300 E Lake St;

On-Sale Wine Class D with Strong Beer, to expire July 18, 2004

Maria's Cafe Inc, Maria's Cafe, 1113 E Franklin (temporary expansion of premises with outdoor entertainment, July 18, 2004, 3:00 p.m. to 9:30 p.m.);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2005

La Que Buena Inc, dba La Que Buena, 1609 E Lake St;

Molly's Inc, dba Broders Cucina Italiana, 2308 W 50th St;

Deep Dish Inc, dba Cafe Bickos, 4501 France Av S;

Molly's Inc, dba Broders Southside Pasta Bar, 5000 Penn Av S;

Papago Inc, dba Fat Lorenzo's, 5600 Cedar Av S;

Temporary On-Sale Wine

Ragamala Music and Dance Theater, dba Ragamala Music and Dance Theater, 711 W Lake St (July 24, 2004, 7:00 p.m. at Alliance Francaise, 113 1st St N; Licensed Facilitator: Dakota Bar & Grill);

Off-Sale Beer, to expire April 1, 2005

Crown Coco Inc, dba Old Colony EZ Stop, 1624 Washington Av N;

RBF Corp of Wisconsin, dba Rainbow Foods, 2919 26th Av S;

On-Sale Beer Class E, to expire April 1, 2005

Minneapolis Park & Recreation Board, 3300 Central Av NE;

Minneapolis Park & Recreation Board, dba Hiawatha Golf Course, 4553 Longfellow Av;

Temporary On-Sale Beer

Grand Central Area Improvement Association, dba Grand Central Area Improvement Association, 3209 Grand Av S (July 23, 2004, 6:00 p.m. to 10:00 p.m. - July 24th rain date);

Church of St. Anthony of Padua, 804 2nd St NE (Fundraiser, August 1, 2004, Noon to 7:00 p.m.);

Minneapolis Downtown Council, 81 S 9th St #260 (Ribfest, with entertainment, August 1, 2004, 11:00 a.m. to 10:30 p.m. at Ritz Block);

Sons of Norway, 1406 W Lake St #202 (Uptown Art Fair, August 6, 2004, Noon to 9:30 p.m. and August 7, 2004, 10:00 a.m. to 9:00 p.m.; and August 8, 2004, Noon to 6:00 p.m.);

Sacred Heart Polish National Catholic Church, dba Sacred Heart Polish National Catholic Church, 420 22nd Av NE (Festival, August 14, 2004, 10:00 a.m. to 9:00 p.m.);

Church of St. Joseph Hien, dba Church of St. Joseph Hien, 1800 Dupont Av N (Festival, September 3, 2004, 5:00 p.m. to 10:00 p.m.; September 4, 2004, 2:00 p.m. to 10:00 p.m.; and September 5, 2004, 10:00 a.m. to 5:00 p.m.);

Church of All Saints, dba Church of All Saints, 435 4th St NE (Fall Festival, September 12, 2004, 11:00 a.m. to 6:00 p.m.);

Church of the Holy Name, 3637 11th Av S (Fall Festival, October 10, 2004, 11:00 a.m. to 4:00 p.m.).

Adopted 8/6/04.

Declining to Vote - Benson.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Business Licenses.

Adopted 8/6/04.

Resolution 2004R-336, granting applications for Business Licenses, was passed 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-336

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of August 6, 2004 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petr No 269790):

Bowling Alley; Dancing School; Dry Cleaner - Nonflammable; Caterers; Confectionery; Food Distributor; Grocery; Food Manufacturer; Milk & Grocery Delivery Vehicle; Mobile Food Vendor; Drive In Food - Restricted; Restaurant; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Lodging House; Motor Vehicle Dealer Auctioneer; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle Dealer - Additional Lot; Motor Vehicle Repair Garage; Motor Vehicle Used Parts Dealer; Pet Shop; Plumber; Precious Metal Dealer; Recycling/Salvage Yard; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class A; Secondhand Goods Class B; Antique Dealer Class B; Antique Mall Operator Class B; Exhibition Operator Class A; Sign Hanger; Tattooist/Body Piercer; Tobacco Dealer; Tree Servicing; and Wrecker of Buildings Class B.

Adopted 8/6/04.

PS&RS - Your Committee recommends passage of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 8/6/04.

Resolution 2004R-337, granting applications for Gambling Licenses, was passed 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-337
By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling Class A

Church of the Incarnation, dba Church of the Incarnation, 3800 Pleasant Av S (Off-Site Gambling Permit, Pulltabs, Bingo & Raffle October 1 - 3, 2004 at 3800 Pleasant Av S);

Gambling Class B

National Multiple Sclerosis Society, dba National Multiple Sclerosis Society,
200 12th Av S (Site: Augies, 424 Hennepin Av S);

Lions Club of Northeast Minneapolis, dba Lions Club of Northeast Minneapolis,
714 18 ½ Av NE (Site: Gabby's Saloon & Eatery, 1900 Marshall St NE);

Edison Community Sports Foundation, dba Edison Community Sports Foundation, 700 22nd Av NE
(Site: Vegas Lounge, 965 Central Av NE);

Gambling Lawful Exempt

National Down Syndrome Congress, dba National Down Syndrome Congress,
1370 Center Dr #102, Atlanta, GA (Raffle August 22, 2004 at Hyatt Regency Hotel, 1300 Nicollet Mall);

Church of the Holy Name, dba Church of the Holy Name, 3637 11th Av S (Bingo, Raffle and Pulltabs
October 10, 2004 at School Building, 1120 E 37th St).

Adopted 8/6/04.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee, to whom was referred an ordinance amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Rental Dwelling License Fees*, increasing the fee for the first dwelling unit from \$33 to \$36, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 8/6/04. Yeas, 12; Nays 1 as follows:

Yeas - Lilligren, Johnson Lee, Niziolek, Benson, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Goodman.

Ordinance 2004-Or-086 amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to *Housing: Rental Dwelling License Fees*, amending Section 244.1880(a) to increase the fee for the first dwelling unit from \$33 to \$36, was passed 8/6/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-086
By Niziolek
Intro & 1st Reading: 7/2/04
Ref to: PS&RS
2nd Reading: 8/6/04

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 244.1880(a) of the above-entitled ordinance be amended to read as follows:

244.1880. License fees. (a) The annual license fee for a rental dwelling license or provisional license is ~~thirty-three~~ thirty-six dollars (~~\$33.00~~) (\$36.00) for the first dwelling unit and twenty dollars (\$20.00) for each additional dwelling unit under common ownership in the same building. A change in ownership shall require a new license application and payment of the license fee. An increase in the number of licensed dwelling units during the license year shall require an amended license application and the payment of an additional license fee to cover the additional units.

Adopted 8/6/04. Yeas, 12; Nays 1 as follows:

Yeas - Lilligren, Johnson Lee, Niziolek, Benson, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Goodman.

PS&RS & W&M/Budget - Your Committee, having under consideration the Hennepin County/Minneapolis Drug Task Force, now recommends that the proper City Officers be authorized to:

a. accept an additional \$129,400 and execute a grant agreement with the Minnesota Department of Public Safety, Office of Justice Programs, to provide funding for overtime, training and equipment for the second half of 2004.

b. execute a sub-recipient contract amendment to share the Task Force funding with the Hennepin County Sheriff (\$39,400) and the Hennepin County Attorney's Office (\$14,400).

Further, passage of the accompanying Resolution appropriating \$129,400 to the Police Department.

Adopted 8/6/04.

RESOLUTION 2004R-338
By Niziolek and Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C003) by \$129,400 and increasing the Revenue Source (030-400-C003 - Source 3210) by \$129,400.

Adopted 8/6/04.

PS&RS & W&M/Budget - Your Committee, having under consideration a request by the Hennepin County Taxpayer Services Department to abate a special assessment in the amount of \$121,000 for the property located at 113 E 26th St, known as Corson's Corners, now recommends:

PS&RS - that said request be sent forward without recommendation.

W&M/Budget - that the proper City Officers be authorized to abate the special assessment for said property (PID #34-029-24-42-0484).

Niziolek moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Public Safety & Regulatory Services Committee recommendation. Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 8/6/04.

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to give notice to Hennepin County of the City's intention to rescind the 1968 Resolution related to the City-County consolidation of jail facilities, and enter into a new agreement by December 31, 2004.

Further, that the appropriate representatives of the City Attorney's Office, Finance Department, and the Minneapolis Police Department be directed to meet and review the booking fee, fingerprinting, jailing and other related issues and report back to the City Council in September 2004 with recommendations on respective responsibilities associated with the booking and jailing of individuals within Hennepin County and associated costs.

Adopted 8/6/04.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Hennepin County Department of Transportation's Lake Street Layout Plan from 5th Av S to 21st Av S, as set forth in Petition No 269795 and the passage of the accompanying Resolutions:

a) Approving Layout A, as amended by Layout D (dated 7/12/04) and the Cedar Av S and Lake Street Layout modification (dated 8/3/04); and

b) Supporting Hennepin County's variance requests to the Minnesota Department of Transportation Office of State Aid for the reduction of travel lane widths to 10.83 feet, and the reduction of the curbside reaction zone width to 1.5 feet;

now recommends that said subject matter be **sent forward without recommendation**.

Colvin Roy moved that the report be amended by deleting the language "sent forward without recommendation" and inserting in lieu thereof the word "approved." Seconded.

Adopted by unanimous consent.

Lilligren moved to amend the Resolution by replacing the section of the proposed preliminary layout "A + D" between Columbus Avenue and 10th Avenue with the Chicago Area Parking Recovery Plan (flap labeled "Concept A + D Overlay; Parking Bay Between Columbus and 10th," dated 8/5/04). Seconded.

Adopted upon a voice vote.

Schiff moved to amend the Resolution, as amended, by replacing the section of the proposed preliminary layout "A + D" between 18th Avenue and 19th Avenue with the Cedar Lake Correction (flap labeled "Concept A + D Overlay; Cedar Avenue," dated 8/6/04). Seconded.

Adopted upon a voice vote.

Zimmermann moved to call the question. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 8/6/04. Yeas, 11; Nays, 1 as follows:

Yeas - Lilligren, Johnson Lee, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Niziolek.

Absent - Samuels

Resolution 2004R-339 approving the Hennepin County Department of Transportation's Layout for Lake Street, from 5th Av S to 21st Av S, as amended, was passed on 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-339

By Colvin Roy

Approving the Hennepin County Department of Transportation's Layout for County State Aid Highway (CSAH) 3 (Lake Street) from 5th Av S to the 21st Av S.

Whereas the Hennepin County Department of Transportation (County) has proposed the reconstruction of Lake Street from 5th Av S to the 21st Av S in Minneapolis; and

Whereas, the County formed a Project Advisory Committee (PAC) consisting of representatives from the neighborhoods, businesses and elected officials to assist with providing guidance and recommendations for the project; and

Whereas, with the assistance of the PAC, the City and County have held many meetings and Open Houses with the adjacent communities to solicit input for the development of the layout; and

Whereas, the PAC voted to recommend four-lane (two travel lanes in each direction) cross-sections for Lake Street west of Hiawatha Avenue at its March 16, 2004 meeting; and

Whereas, the County has prepared several layouts and layout modifications describing the proposed improvements; and

Whereas, the County has submitted Layout "A", along with a modification to said Layout "A", labeled Layout "D" (both dated, July 12, 2004) to the City of Minneapolis requesting approval, said layouts on file with the City Engineer identified as Layout "A" - Lake Street PRELIMINARY LAYOUT AMENDED HENNEPIN COUNTY PROPOSAL (5th Av S to the 21st Av S) and as Layout "D" - PRELIMINARY LAYOUT MODIFIED SEARS REDEVELOPMENT (Columbus Av S to the 13th Av S); and

Whereas, subsequent to their submittal of Layouts "A" and "D", the County developed and submitted an additional layout modification to said Layout "A" and "D", for Cedar Av S and Lake St, said layout modification on file with the City Engineer identified as Lake St Preliminary Layout Concept A+D - FLAP CEDAR AV INITIAL CONSTRUCTION (dated August 3, 2004) to the City of Minneapolis requesting approval; and

Whereas, the City and County Departments of Public Works concur that the Layout "A" as modified by Layout "D" and the Cedar Av S and Lake St layout modification, complies with the PAC's recommendation while providing for the existing and future transportation needs and for the opportunity of "place making" along the corridor and meets state standards; and

Whereas, staff has made its recommendation to the City Council based on said determination;

Now, Therefore, Be it resolved by The City Council of The City of Minneapolis:

That the City approves the County's Layout "A" (dated July 12, 2004) as amended by Layout "D" (dated July 12, 2004), and as amended between Columbus Avenue and 10th Avenue with the replacement Chicago Area Parking Recovery Plan (flap labeled "Concept A+D Overlay; Parking Bay Between Columbus and 10th," dated August 5, 2005) and as amended between 18th Avenue and 19th Avenue with the replacement Cedar Lake Correction (flap labeled "Concept A+D Overlay; Cedar Avenue," dated August 6, 2004) and the Cedar Av S and Lake St layout modification (dated August 3, 2004) for Lake Street from 5th Av S to 21st Ave S as submitted.

Adopted 8/6/04. Yeas, 11: Nays, 1 as follows:

Yeas - Lilligren, Johnson Lee, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Niziolek.

Absent - Samuels.

Resolution 2004R-340 supporting the Hennepin County variance requests to the Minnesota Department of Transportation for State Aid Standards for parking lane, driving lane, and reaction zone widths to encourage a strong pedestrian realm within the Lake Street right-of-way, passed on 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-340

By Colvin Roy

Encouraging a strong pedestrian realm within the Lake Street Reconstruction Project.

Whereas, Lake Street is a vital asset to the City of Minneapolis as more than a transportation corridor and it is critical that upcoming reconstruction of Lake Street include a healthy pedestrian-friendly element.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City will actively support Hennepin County variance requests to the Minnesota Department of Transportation for State Aid Standards for parking lane widths, driving lane widths, and reaction zone widths to encourage a strong pedestrian realm within the Lake Street right-of-way.

Adopted 8/6/04. Yeas, 11: Nays, 1 as follows:

Yeas - Lilligren, Johnson Lee, Benson, Goodman, Lane, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Niziolek.

Absent - Samuels.

T&PW - Your Committee, having under consideration the 2004 draft Street Lighting Policy, dated July 19, 2004, as set forth in Petn No 269795 on file in the Office of the City Clerk, now recommends acceptance of the draft policy and that the appropriate staff of the Department of Public Works be directed to:

a) initiate a community involvement process seeking input from CPED, the Minneapolis Park and Recreation Board, the community, and others as appropriate to determine new street light pole and fixture styles to be brought forward to the community; and

b) continue to modify the draft Street Lighting Policy and return to the Transportation and Public Works Committee on October 12, 2004, with a status update.

Adopted 8/6/04.

T&PW - Your Committee, having received a petition by Hazem Obeid objecting to the issuance of a Business Block Event Permit to the Minneapolis Urban League, to be held on Saturday, August, 7, 2004, on Plymouth Av N between Penn and Knox Aves, now recommends that said Block Event Permit be approved.

Adopted 8/6/04.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the 2004 Alley Resurfacing Program, Special Improvement of Existing Alleys No. FS04#1, as set forth in Petn No 269796, and having held a public hearing thereon, now recommends passage of the accompanying Resolutions:

a) Ordering the work to proceed and adopting special assessments in the amount of \$41,250; and

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$41,250.

Adopted 8/6/04.

Resolution 2004R-341, ordering the work to proceed and adopting the special assessments for the 2004 Alley Resurfacing Program, was passed on 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-341
By Colvin Roy and Johnson**

**2004 Alley Resurfacing Program
Special Improvement of Existing Alleys No FS04#1**

Ordering the work to proceed and adopting the special assessments for the 2004 Alley Resurfacing Program.

Whereas, a public hearing was held on July 27, 2004 in accordance with Chapter 10, Section 6 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2004R-281, passed June 18, 2004 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2004R-281, passed June 18, 2004.

Be It Further Resolved that the proposed special assessments in the total amount of \$41,250 as on file in the office of the City Clerk be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for alley resurfacing of more than \$150 may be paid, shall be fixed at five (5) and that the interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments to begin on the 2005 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the assessment bonds are sold for with collection of the special assessments on the 2005 real estate tax statement.

Adopted 8/6/04.

Resolution 2004R-342 requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$41,250 for certain purposes other than the purchase of public utilities, was passed on 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 2004R-342
By Colvin Roy and Johnson**

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$41,250 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the 2004 Alley Resurfacing Program, Special Improvement of Existing Alleys No FS04#1, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in five (5) successive annual installments, payable in the same manner as real estate taxes.

Adopted 8/6/04.

T&PW & W&M/Budget - Your Committee, having under consideration Phase 2 of the RiverLake Greenway (40th St from Lake Harriet Pkwy to Lyndale Av S) as indicated in Petn No 269796, now recommends:

- a) Approval of the layouts for construction of Phase 2 of the RiverLake Greenway in the East Harriet Farmstead Neighborhood;
- b) Passage of the accompanying Resolution increasing the appropriation and revenue for the Public Works - Transportation Capital Agency by \$85,000, to be fully reimbursed by the East Harriet Farmstead Neighborhood Revitalization Program (NRP); and
- c) That the City Engineer proceed and do the work per the approved layouts.

Adopted 8/6/04.

Approved by Mayor Rybak 8/6/04.

(Published 8/10/04)

RESOLUTION 2004R-343
By Colvin Roy and Johnson

Amending the 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW - Transportation Capital Agency in the Permanent Improvement Fund (4100-943-9470) by \$85,000 and increasing the revenue source (4100-943-9440 Source 3845) by \$85,000, to be fully reimbursed by NRP funds.

Adopted 8/6/04.

Approved by Mayor Rybak 8/6/04.

(Published 8/10/04)

T&PW & W&M/Budget - Your Committee, having under consideration Contract C-19274 (O.P. #6045) for CRS-2 Sealcoat Emulsion with Koch Materials Co (part of Koch Pavement Solutions), now recommends that the contract be increased in the amount of \$223,000, for a new contract total of \$290,000, for additional sealcoating work. Funds are available within the project budget.

Adopted 8/6/04.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute Amendment No 1 to the contract with Thor Construction for security enhancements at the Minneapolis Water Works Fridley Facility, extending the contract from June 30, 2004 to December 31, 2004.

Your Committee further recommends the acceptance of change orders increasing the City's contract with Thor Construction by \$32,896.65, for a new contract total of \$842,796.65, for additional construction services for the Fridley Water Works Facility. Funds are available within the project budget.

Adopted 8/6/04.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals to solicit proposals from engineering consulting firms to establish a new Consulting Pool on or before February 14, 2005.

Your Committee further recommends that the proper City officers evaluate said proposals and recommend to the City Council suitable candidates for said Consulting Pool.

Adopted 8/6/04.

Approved by Mayor Rybak 8/6/04.

(Published 8/10/04)

T&PW & W&M/Budget - Your Committee, having under consideration the LaSalle Avenue South Street Reconstruction Project, now recommends passage of a Resolution reallocating \$325,413 of the remaining Minnesota State Aid (MSA) funds in the Central Ave NE Reconstruction Project to be applied to the LaSalle Ave Reconstruction Project.

Adopted 8/6/04.

RESOLUTION 2004R-344
By Colvin Roy and Johnson

Amending the 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by decreasing the MSA appropriation for the PW - Paving Construction Capital Agency (4100-937-9372-T24) by \$325,413 and applying said funds as follows:

- a) increasing PW - Paving Construction Capital Agency (4100-937-9372-PV014) by \$117,133;
- b) increasing PW - Transportation Capital Agency (4100-943-9440-PV014) by \$204,939; and
- c) increasing PW - Sewer Construction Capital Agency (7300-932-9322-PV014) by \$3,341.

Adopted 8/6/04.

T&PW & W&M/Budget - Your Committee recommends approval of the installation of a pair of speed humps along Garfield Av between 33rd and 34th St W.

Your Committee further recommends passage of the accompanying Resolution increasing the appropriation and revenue for the Public Works - Transportation Capital Agency by \$4,500, to be fully reimbursed by the Lyndale Neighborhood Association.

Adopted 8/6/04.

RESOLUTION 2004R-345
By Colvin Roy and Johnson

Amending the 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the PW-Transportation Capital Agency in the Permanent Improvement Fund (4100-943-9440) by \$4,500 and increasing the revenue source (4100-943-9440-Source 3225) by \$4,500, to be fully reimbursed by the Lyndale Neighborhood Association.

Adopted 8/6/04.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution directing the proper City officers to execute Agreement 86814 (Petr No 269796) with the Minnesota Department of Transportation in the amount of \$166,164 to allow the City to use the existing Federal Aid Funds in the amount of \$132,931 and existing State Aid Funds in the amount of \$33,233, for traffic signal controller installations required in conjunction with the Richfield Road Reconstruction Project.

Adopted 8/6/04.

Resolution 2004R-346 authorizing the execution of a Force Account Agreement with the Minnesota Department of Transportation to allow City crews to do the work and be reimbursed with Federal funds, was passed on 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-346
By Colvin Roy and Johnson

Authorizing the proper City officers to execute a Force Account Agreement with the Minnesota Department of Transportation to allow City crews to do work and get reimbursed with Federal funds.

Resolved by The City Council of The City of Minneapolis:

That pursuant to Minnesota Statutes Section 161.36, the Commissioner of Transportation be appointed as agent of the City of Minneapolis to accept, as its agent, Federal aid funds which may be made available for eligible transportation related projects.

Be it Further Resolved, that the Mayor, the City Clerk and the Finance Officer are hereby authorized and directed for and on the behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribing the terms and conditions of said Federal aid participation as set forth and contained in "Minnesota Department of Transportation Agency Agreement Number 86814," a copy of which said agreement was before the City Council and which is made a part hereof by reference.

Adopted 8/6/04.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving a special assessment deferment application (Petr No 269796) for water service line repair.

Adopted 8/6/04.

Resolution 2004R-347, approving a special assessment deferment, was passed on 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-347
By Colvin Roy and Johnson

Approving a special assessment deferment application.

Resolved by The City Council of The City of Minneapolis:

That the following application be approved as provided for in Minnesota Statutes, Sections 435.193 through 435.195 and Council Resolutions 80R-365 passed August 8, 1980 and 93R-134 passed April 16, 1993:

Janis Fisers (senior citizen), on the property at 716 University Av NE, PID 14-029-24-31-0174 special assessment (Levy 01028, Project 04WTR) for water service line repair in the principal amount of \$10,780 for payable 2004 and subsequent years.

Adopted 8/6/04.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers execute an amendment to the Agreement with the Stone Arch Partners (Petr No 269796) regarding assessments for street improvements at 601 Main St SE.

Adopted 8/6/04.

T&PW & W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving bids submitted to the Public Works Department, all in accordance with City specifications.

Adopted 8/6/04.

Resolution 2004R-348, granting approval of the bids for projects and/or services for the City of Minneapolis, was passed on 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-348
By Colvin Roy and Johnson

Granting approval of the bids for projects and/or services for the City of Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the following be accepted and that the proper City officers be authorized to execute contracts for the projects and/or services in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petr. No. 269796)

OP No 6226, Accept low responsive bid of Rybak Excavating and Contracting, Inc., for an estimated annual expenditure of \$600,000 to furnish and deliver clean fill excavation.

Adopted 8/6/04.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee, having under consideration a recommendation from the City Attorney for settlement of the City/Minneapolis Community Development Agency (MCDA) landlord claim against the bankruptcy estate of COLO.com (involving the former Sears site), now recommends that said settlement be **sent forward without recommendation**.

Your Committee further recommends that said matter be forwarded to the MCDA Board of Commissioners.

Johnson moved to amend the report by deleting the language "sent forward without recommendation" and inserting in lieu thereof the word "approved". Seconded.

Adopted by unanimous consent.

The report, as amended was adopted 8/6/04.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving legal settlements, as recommended by the City Attorney.

Adopted 8/6/04. Yeas, 12; Nays, 1 as follows:

Yeas - Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Niziolek.

Resolution 2004R-349, approving legal settlements with Michael Love, Vladimir Skyy Verhovskoy, Eric Mann, Hassan Al-Mosawy, Western National Mutual Insurance Co., Erika Ketchens, and Johanna Miller and Bill Radosevich, was passed 8/6/04 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-349
By Johnson

Approving legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the recommendation of the City Attorney to settle the following legal matters be approved and payments authorized as indicated:

- a) Michael Love, by payment of \$12,500 to Mr. Love and his attorney Lawrence Crosby;
 - b) Vladimir Skyy Verhovskoy, by payment of \$36,250 to Mr. Verhovskoy and his attorneys Flynn, Gaskins & Bennett;
 - c) Eric Mann, by payment of \$18,850 to Mr. Mann and his attorneys Patrick Johnson and Gerald Keating;
 - d) Hassan Al-Mosawy, by payment of \$59,000 to Mr. Al-Mosawy and his attorney, David L. Garelick;
 - e) Western National Mutual Insurance Co., by payment of \$1,373.81;
 - f) Erika Ketchens, by payment of \$1,066.50 to Ms Ketchens and her attorney, James P. Young;
 - g) Johanna Miller, by payment of \$16,250 to Ms. Miller and her attorney, Judith Schermer;
 - h) Bill Radosevich, by payment of \$16,250 to Mr. Radosevich and his attorney, Judith Schermer.
- Be It Further Resolved that the City Attorney is authorized to execute any documents necessary to effectuate the settlements.

Adopted 8/6/04. Yeas, 12; Nays, 1 as follows:

Yeas - Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays - Niziolek.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the master agreement between the City and Kennedy & Graven, Chartered, for legal services for the period of January 1, 2004 through December 31, 2006 so that the cost for said agreement shall not exceed \$600,000 for the three year period.

Adopted 8/6/04.

W&M/Budget - Your Committee recommends acceptance of a grant in the amount of \$2,000 from the Department of Public Safety, Office of Justice Programs, for emergency assistance to crime victims and that the proper City officers be authorized to execute the necessary grant documents for the period of July 1, 2004 to June 30, 2005.

Adopted 8/6/04.

W&M/Budget - Your Committee, having been informed that the City has been awarded a grant through the Minnesota Historical Society to be used to continue a historic survey, now recommends:

- a) That the proper City officers be authorized to accept a federal Certified Local Government grant, administered by the State Historic Preservation Office of the Minnesota Historical Society in the amount of \$13,000, to be used to revise the City's survey of historic properties for portions of Southwest Minneapolis, and to enter the necessary grant agreement with the Minnesota Historical Society;
- b) Passage of the accompanying resolution increasing the Planning Department appropriation by \$13,000 to reflect the receipt of grant funds.

Adopted 8/6/04.

RESOLUTION 2004R-350

By Johnson

Amending The 2004 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Planning Department Agency in the Federal Grants Fund (0300-380-3820) by \$13,000 and increasing the revenue source (0300-380-3820 - Source 3210) by \$13,000.

Adopted 8/6/04.

W&M/Budget - Your Committee, having under consideration a request from the Minneapolis Public Library Board for appropriation of capital funds to be used for the Franklin Community Library Project, now recommends:

- a) Passage of the accompanying resolution increasing the capital appropriation for the Franklin Community Library by \$1,600,000; and
 - b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,600,000 or said project.
- Adopted 8/6/04.

Resolutions 2004R-351 and 2004R-352, appropriating capital funds and requesting the Board of Estimate and Taxation to issue and sell bonds in the amount of \$1,600,000 for the Franklin Community Library Project, were passed 8/6/04 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-351
By Johnson

Amending The 2004 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Franklin Capital Project in the amount of \$1,600,000, including administrative overhead, for a new project total of \$4,020,000, including administrative overhead.

Adopted 8/6/04.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2004R-352
By Johnson

Requesting that the Board of Estimate and Taxation incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$1,600,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:
That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds in the amount of \$1,600,000, the proceeds of which are to be used for the Franklin Capital Project.

Further that this resolution constitutes an official declaration pursuant to Treasury Reg SS 1.150-2 that the Library intends to reimburse expenditures which may be made for those projects designated herein to be funded with bond proceeds by incurring tax-exempt debt of the City. The expenditures to be reimbursed include but are not limited to construction expenditures incurred after approval of the capital budget, preliminary expenditures for planning, design, legal and consulting services and land acquisition and include staff costs reasonably allocable thereto. The reasonably expected source of funds to pay debt service on the tax-exempt bonds to be issued by the City for the Library consists of property taxes levied as part of the Special Library Referendum approved in November 2000.

Adopted 8/6/04.

W&M/Budget - Your Committee, having under consideration a recommendation from the City's Chief Information Officer for approval of a Telecommunications Infrastructure and Facilities Upgrade project and requesting the following authorizations:

- a) That the proper City officers be authorized to plan and implement an upgrade project that includes hardware, software, cable plant and facility renovation at a total cost not to exceed \$4,332,000;
 - b) Passage of the accompanying resolution providing for an appropriation increase to the Business Information Services (BIS) Division in the amount of \$3,500,000 (infrastructure costs) and \$832,000 to the Municipal Building Commission (facility renovation costs);
 - c) Passage of the accompanying resolution requesting the Board of Estimate and Taxation to issue bonds in the amount of \$4,332,000 and declaring the City's official intent to reimburse the expenditure from proceeds of tax exempt debt of the City;
 - d) That the proper City officers be authorized to release a request for proposals for upgrades and renovation projects;
 - e) Approval of funding the project through the Telecom Rate portion of the BIS Rate Model to be applied to customer departments;
 - f) Authorization to renovate existing telecommunications facilities in City Hall in cooperation with Hennepin County and the Municipal Building Commission;
- now recommends that said matter be **sent forward without recommendation**.
Johnson moved that the report be postponed. Seconded.
Adopted upon a voice vote.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Michael Alada for a waiver from the moratorium on the construction of new single-family dwellings, two-family dwellings, and multiple-family dwellings of three or four units in the area of North Minneapolis bounded by W Broadway Ave and the Mississippi River to the City limits, except housing being developed in conjunction with the Community Planning and Economic Development Department, to permit applications for construction of a new single-family home at 1606 – 27th Ave N, now recommends that said waiver be granted, and that the findings prepared by the Planning Department staff be adopted.
Adopted 8/6/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Matthew Knopp (BZZ-1749) to rezone the property at 3150 Harriet Ave S from R2B to the R5 District to permit a four-plex, and adopting the related findings prepared by the Department of Community Planning & Economic Development.
Adopted 8/6/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Bear Creek Capital (BZZ-1781) to rezone the property at 2500 University Ave SE from C3A to the C2 District to permit a neighborhood pharmacy and general retail store with drive-through facility, and adopting the related findings prepared by the Department of Community Planning & Economic Development.
Adopted 8/6/04.

Z&P – Your Committee concurs in the recommendation of the Planning Commission granting the petition of Marcos Bekuto (BZZ-1808) to rezone the property at 2401, 2403 and 2405 Central Ave NE from C1 to the C2 District to permit general entertainment at the existing restaurant.
Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.
Adopted 8/6/04.

Ordinance 2004-Or-087, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 2401, 2403 and 2405 Central Ave NE to the C2 District, was passed 8/6/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-087

By Schiff

1st & 2nd Readings: 8/6/04

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of P C Demings Rev, Block 3, East Side Addn, Lots 10, 11 and 12 (2401, 2403 and 2405 Central Ave NE – Plate 10) to the C2 District.

Adopted 8/6/04.

Z&P - Your Committee, to whom was referred an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, to allow existing drive-through banking facilities in the Central and Lowry area in the Pedestrian Oriented Overlay District to be rebuilt, now concurs in the recommendation of the Planning Commission that said ordinance be given its second reading for amendment and passage.

Adopted 8/6/04. Yeas, 12; Nays, 1 as follows:

Yeas – Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays – Niziolek.

Ordinance 2004-Or-088 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, amending Section 551.170(1) to allow existing drive-through banking facilities in the Central and Lowry area in the Pedestrian Oriented Overlay District to be rebuilt, was passed 8/6/04 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2004-Or-088

By Ostrow and Schiff

Intro & 1st Reading: 5/28/04

Ref to: Z&P

2nd Reading: 8/6/04

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 551.170 of the above-entitled ordinance be amended to read as follows:

551.170. Central and Lowry area. The following additional regulations shall govern development within the PO Overlay District in and around the intersection of Central Avenue Northeast and Lowry Avenue Northeast, as shown on the official zoning map:

(1) *Drive-through banking facilities.* Notwithstanding any other provision to the contrary, an existing Any lawfully nonconforming drive-through banking facility may be rebuilt or may add one (1) additional drive-through lane provided the drive-through banking facility or additional drive-through lane is located within the boundaries of the zoning lot existing on the effective date of this ordinance, and subject to all other applicable regulations of this zoning ordinance.

(2) *Building alteration or replacement.* The alteration of an existing building shall not result in a reduction of the existing number of stories (e.g., a two-story building shall not be reduced to a one-story building or be replaced by less than a two-story building).

Adopted 8/6/04. Yeas, 12; Nays, 1 as follows:

Yeas – Lilligren, Johnson Lee, Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Ostrow.

Nays – Niziolek.

MOTIONS

Zimmermann, Chair of the Claims Committee, moved concurrence in the reports received from the Finance Department (Petr No 269809) recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job. Seconded.

Adopted 8/6/04.

Niziolek moves to appoint the following individuals as members of the Walker Library Task Force in accordance with the resolution creating the Walker Library Task Force adopted by the City Council July 23, 2004.

Council Member Dan Niziolek
Council Member Lisa Goodman
Ed Pluimer, 2020 Penn Avenue South
Keith Sjoquist, 3141 Hennepin Avenue

Seconded.

Adopted 8/6/04.

Benson moved to direct the City Clerk, upon City Council receipt of a petition to propose an amendment to the Charter regarding medicinal use of marijuana, to place the proposed amendment on the agenda for the Intergovernmental Relations Committee. Seconded.

Adopted 8/6/04.

RESOLUTION

Schiff, Ostrow, Zerby, Samuels, Johnson, Johnson Lee, Zimmermann, Goodman, Lilligren, Niziolek, Benson, Colvin Roy and Lane offered a Resolution honoring Earl W. Bowman.

Adopted 8/6/04.

(Not published. See Resolution 2004R-353 on file in the office of the City Clerk.)

The following is the complete text of the unpublished resolution.

RESOLUTION 2004R-353

By Schiff, Ostrow, Zerby, Samuels, Johnson, Johnson-Lee, Zimmermann, Goodman, Lilligren, Niziolek, Benson, Colvin Roy and Lane

Honoring Earl W. Bowman.

Whereas, Earl Bowman, was born and raised in Minneapolis and graduated in 1944 from Minneapolis Central High School, was an outstanding student athlete and the state long-jump champion, one of the first African-American student athletes to play intercollegiate sports in Minnesota; and

Whereas, Earl Bowman was drafted into the segregated U.S. Army in 1945, and was assigned to West Point where he was a member of the 1946 NCAA national track and field championship team and was recruited by several NFL teams including the Bears, Rams and Browns -- until it was learned he was African American and offers were subsequently withdrawn; and

Whereas, Earl Bowman moved to Waterloo Iowa to play semi-professional football; and moved back to Minneapolis in 1953, accepting a position of Boys Work Director at the Philliss Wheatley Settlement House; where he developed outstanding youth programs and mentored and taught hundreds of kids-- including former Minneapolis and New York City Superintendent Dr. Richard Green, and Harry Davis, Jr.; and

Whereas, In 1955, Earl Bowman accepted a position as a history teacher and football coach with the Minneapolis Public Schools, and from 1955-1968, he held various positions including Principal at Lincoln Junior High and Central High School and in 1969, moved on to Macalester College -- becoming one of the few African-American administrators in Minnesota higher education; and

Whereas, Earl Bowman went on to become the first African-American President of a two-year college in Minnesota -- Minneapolis Community College -- from 1982 to 1990; and as President, was known for his outstanding communication skills with staff and students, for his accessibility to the community, and for his friendliness that he brought to any meeting or conversation; and

Whereas, Earl Bowman has received many awards and honors including an Honorary Doctorate from Macalester College, charter membership in the National Alliance of Black School Educators, and membership in the Minnesota Old-Timers Football Hall of Fame; and

Whereas, Earl Bowman is revered in the community for a lifetime of work with young people, and for his strength in overcoming many racial obstacles and on August 18 will celebrate the naming of Earl W. Bowman Hall on the campus of Minneapolis Community & Technical College;

Now, Therefore, Be It Resolved By The City Council of The City of Minneapolis:

That Wednesday, August 18, 2004, be proclaimed as Earl W. Bowman Day.

Adopted 8/6/04.

UNFINISHED BUSINESS

Spincycle Coin Laundry (2937 Dupont Av S): Sent forward without recommendation application for Laundry License (Postponed 2/13/04, PS&RS)

By unanimous consent, the above report continued to be postponed.

License Application: Motion by Lilligren to grant an application for a new wine license to G&A Partners, LLC, dba Lake Plaza Restaurant, 417 E Lake St. (Postponed 7/2/04, Motions)

Lilligren moves approval to grant the following application for a new wine license:

On Sale Wine, Class B with Strong Beer

G & A Partners, LLC, dba Lake Plaza Restaurant, 417 East Lake St (new On Sale Wine) Seconded.

Adopted 8/6/04.

Approved by Mayor Rybak 8/6/04.

(Published 8/10/04)

Marshall River Run Project (1424 and 1448 Marshall St NE): Passage of Resolution granting final approval to issue up to \$7,600,000 in tax-exempt Multifamily Housing Development Bonds. (Postponed 7/23/04, CD)

By unanimous consent, the above report continued to be postponed.

La Bodega Tapas Bar (3005 Lyndale Av S): Sent forward without recommendation application for On-Sale Liquor Class C-1 with Sunday Sales License (Postponed 7/23/04, PS&RS)

By unanimous consent, the above report continued to be postponed.

NEW BUSINESS

Zerby introduced an ordinance amending Title 13, Chapter 319 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Open Air Motor Vehicle Parking, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing to be held Wednesday, August 11, 2004 (To continue the expanded tailgate area to September 12, 2005).

Zerby introduced an ordinance amending Title 13, Chapter 320 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Vehicle Immobilization Service*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing to be held Wednesday, September 15, 2004 (Adding requirements for licensee, amending rules of operation, and prohibiting remuneration).

Schiff introduced an ordinance amending Title 16, Chapter 455 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Block Events*, which was given its first reading and referred to the Transportation & Public Works Committee (Adding businesses to the requirement for 75% approval for block events).

Ostrow moved to adjourn to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners meeting to consider the *Andre Madison v. City of Minneapolis, et al.* lawsuit. Seconded.

Adopted upon a voice vote.

Room 315 City Hall

Minneapolis, Minnesota

August 6, 2004 - 11:12 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Lilligren, Niziolek (In at 11:17), Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy (In at 11:16), Zimmermann (In at 11:21), Schiff (In at 11:17; Out at 12:07), Zerby, Ostrow.

Absent - Johnson Lee.

Also present - Peter Ginder, Acting Deputy City Attorney; Jim Moore, Assistant City Attorney; Don Harris, Inspector, Police Department; Merry Keefe, City Clerk; Jan Hrcir, City Clerk's Office.

Jim Moore stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Andre Madison v. City of Minneapolis, et al.* lawsuit.

Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

The meeting was closed at 11:13 a.m.

Jim Moore summarized the *Andre Madison v. City of Minneapolis, et al.* lawsuit from 11:13 a.m. to 12:12 p.m.

Lilligren moved that the meeting be opened. Seconded.
Adopted upon a voice vote.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lane moved to adjourn to Thursday, August 12, 2004, at 4:00 p.m. for the purpose of hearing the Mayor's Budget Address, and to conduct any other business deemed necessary at that time, and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of August 6, 2004. Seconded.

Adopted upon a voice vote.

Merry Keefe,
City Clerk.

Unofficial Posting: 8/10/2004
Official Posting: 8/13/2004
Correction: 9/08/2004
10/04/2004; 10/7/2004